

RECOGNITION OF LOAD-LINE CERTIFICATES

Exchange of notes at Brussels October 7, 1931, and February 4 and April 19, 1932

Entered into force April 19, 1932

*Terminated August 29, 1935*¹

47 Stat. 2736; Executive Agreement Series 40

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

BRUSSELS, *October 7, 1931*

No. 708

MR. MINISTER,

I have the honor to refer to Your Excellency's note of March 31, 1931, (Direction Générale B., Section I.B./Communications, No. C.24/1081) pertaining to the conclusion between the Governments of Belgium and the United States of a reciprocal agreement concerning ship load lines.

Pursuant to instructions from my Government, I now have the honor to inform Your Excellency that the substance of this note and the text of the excerpt of the Belgian law of August 25, 1920, submitted therewith, have been examined by the competent authorities of my Government.

In answer to the inquiry whether the American Government does not share the view of the Belgian Minister of Transports that the reciprocal agreement concerning the inspection of vessels, existing between the two countries since June 1, 1922, would be applicable to the control of load lines, I have the honor to inform Your Excellency that the competent authorities of my Government do not believe that this agreement could be interpreted to cover load lines, and that they consider it would be preferable to negotiate a separate arrangement.

The Government of the United States has taken due notice of the Belgian law which provides that "the freeboard of vessels shall be determined in accordance with the rules and freeboard tables of the French Bureau Veritas or of Lloyds Registry of Shipping, or in accordance with rules and tables recognized as equivalent thereto."

¹ Upon entry into force for the United States and Belgium of International Load Line Convention of July 5, 1930 (TS 858, *ante*, vol. 2, p. 1076).

In connection with this provision, my Government is willing to conclude a reciprocal agreement in regard to load lines with the Government of Belgium with the understanding that the rules and freeboard tables employed by the French Bureau Veritas and by Lloyds Registry of Shipping are the freeboard rules and tables of the French Government and the 1906 rules of the British Board of Trade, respectively.

Subject to the above understanding the Government of the United States is prepared to agree that pending the coming into force of the International Load Line Convention of 1930, in the United States and Belgium, the competent authorities of the Government of the United States will recognize the load line marks and the certificate of such marking on the merchant vessels of Belgium made in accordance with either of the foregoing systems of rules and tables as equivalent to load line marks and certificates of such markings made pursuant to the laws and regulations of the United States; provided, that the load line marks are in accordance with the load line certificates; that the hull and the superstructure of the vessel certificated have not been so materially altered since the issuance of the certificate as to affect the calculations on which the load line was based; and that alterations have not been made so that the—

- (1) Protection of openings,
- (2) Guard Rails,
- (3) Freeing Ports,
- (4) Means of Access to Crews Quarters,

have made the vessel manifestly unfit to proceed to sea without danger to human life.

It will be understood by this Government that on the receipt by the Embassy of a note from Your Excellency to the effect that the competent authorities of the Belgian Government will recognize the load line marks and certificates thereof on merchant vessels of the United States, executed pursuant to the laws and regulations of this Government, as equivalent to load line marks and certificates made in accordance with the laws and regulations in force in Belgium, and expressing the Belgian Government's concurrence in this Government's understanding as above set forth, the agreement will become effective.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

HUGH GIBSON

His Excellency

Monsieur PAUL HYMANS,

Minister of Foreign Affairs.

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS

No. C.24/354

BRUSSELS, February 4, 1932

SIR:

I did not fail to inform the Minister for Transportation of the contents of the Embassy's note of October 7 last, No. 708, concerning the negotiation between the two countries of a temporary agreement on load-line regulations of vessels.

I have the honor to inform you that the regulations and tables of load lines which are mentioned in article 161 of the royal decree of November 8, 1920, constituting a ruling for the application of the law concerning the safety of vessels, are the regulations and tables of load lines of the French Government as given by the Veritas Bureau and the rules of 1906 of the British Board of Trade as given in "Lloyd's Register of Shipping."

As the Government of the United States feels that it cannot assent to the proposal that has been submitted to it, of applying in the matter of load-line regulations the reciprocity agreement concerning the safety of vessels, concluded in 1922, the Government of the King accepts the arrangement proposed by the Government of the United States.

This arrangement will have, therefore, a temporary character and is destined to come to an end as soon as the two Governments shall have ratified the international agreement concerning load lines and as soon as this agreement shall come into force.

The Government of the King declares, consequently, that as a measure of reciprocity corresponding to the measures stated by the American Government, the Belgian Government will, in the interim before the enforcement in the United States and in Belgium of the international agreement on load lines, of July 5, 1930, and with the exception of the conditions set forth below, permit competent authorities of the Belgian Government to recognize the marks of the load lines and the certificates of these lines for merchant vessels under the United States flag, when these are established in conformity with the laws and regulations in force in the United States, as being equivalent to the marks of the load lines and the certificates of these lines established in conformity with Belgian law.

This recognition is subject to the following conditions:

- 1) The marks of the load lines shall correspond to the certificates of the load lines;
- 2) Alterations of sufficient importance to affect the calculations on which the load line was based shall not have been made, since the issuance of the certificate, to the hull and to the superstructure of the vessel concerned;

3) The alterations made shall not be of such a nature that the protection of openings, handrails, cargo ports, means of access to the crew's stations, shall render the vessel manifestly unfit to go to sea without danger to human life.

The Belgian Maritime Inspection Service has been notified of the present arrangement and instructed to observe it henceforth.

It is appropriate to point out that the correspondence exchanged on the subject discussed above, precedes the royal decree of September 14, 1931, which allows Belgian shipowners to obtain for their vessels the load line established in conformity with the ruling forming an annex to the International Load Line Agreement signed at London on July 5, 1930; thus this royal decree introduces into this question a new element which it has been impossible to take into consideration.

But this circumstance is not of a character to affect the proposed arrangement since the American ruling on load lines is identical with the ruling forming an annex to the agreement above mentioned.

Since the Government of the United States is disposed to recognize the load lines of Belgian vessels assigned according to the old regulations, the Government of the King takes it for granted that the Government of the United States will likewise recognize the load line assigned according to the conditions provided in the new Belgian ruling in this matter. The Government of the King considers it opportune, however, again to call the attention of the Government of the United States to the fact that, in accordance with this latter regulation, the assignment of load lines consists of the letters B.I. when the load line is established by the official Belgian authorities qualified for this purpose.

I have the honor to forward to you in this connection three copies of the royal decree of September 14, 1931,² as well as three copies of the official form of load-line certificate used by the Belgian Maritime Inspection Service.²

I should appreciate your addressing me a letter stating the assent of the Government of the United States to the present arrangement.

The date of this communication could be considered as signifying the coming into force of the arrangement.

Be so kind as to accept, Sir, the assurance of my most distinguished consideration.

For the Minister:
THE DIRECTOR GENERAL.

Mr. MAYER
Chargé d'Affaires of the United States
Brussels

² Not printed here.

*The American Chargé d'Affaires ad interim to the Minister
of Foreign Affairs*

EMBASSY OF THE
UNITED STATES OF AMERICA
BRUSSELS, April 19, 1932

No. 804

MR. MINISTER,

I have the honor to refer to Your Excellency's note of February 4, 1932 (Direction Générale B, Section I.B./Comm., No. C.24/354) and to its enclosures, regarding the conclusion of an arrangement between Belgium and the United States for the reciprocal recognition of ship load line certificates.

My Government agrees, as requested in this note, to recognize the certificates issued by the Government of Belgium pursuant to the Royal Decree of September 14, 1931, which allows Belgian shipowners the privilege of obtaining for their vessels the load line established in conformity with the ruling which forms an annex to the International Load Line Convention signed at London on July 5, 1930.

The Government of the United States accordingly understands that the arrangement has been completed by the exchange of notes and is effective from the date of this note.

I would greatly appreciate confirmation of this understanding, and I avail myself of this occasion to renew to you, Mr. Minister, the assurances of my highest consideration.

FERDINAND LATHROP MAYER,
Chargé d'Affaires ad interim

His Excellency
Monsieur PAUL HYMANS,
Minister of Foreign Affairs